

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA (Pittsburgh)**

In re:	)	Bankruptcy Case No. 23-22125-JAD
	)	
H.A. Stewart Trucking, LLC,	)	Chapter 11
	)	
Debtor.	)	Doc. No. _____
_____	)	
	)	
James S. Fellin, CPA, CFE,	)	
	)	
Movant,	)	
v.	)	
	)	
No Respondent.	)	
_____	)	

**OBJECTION OF THE SUBCHAPTER V TRUSTEE TO MOTION TO  
DISMISS CASE**

AND NOW, comes James S. Fellin, Subchapter V Trustee, who files the within Objection to Motion to Dismiss Case Filed by Debtor H.A. Stewart Trucking LLC dated May 7, 2025 (the “Objection”). In support of this Objection, the Subchapter V Trustee states as follows:

**JURISDICTION, VENUE AND  
STANDING**

1. This Court has jurisdiction over the above-captioned cases pursuant to 28 U.S.C. §§ 1334, 151 and 157.
2. Venue of the cases is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

**BACKGROUND**

3. On October 5, 2023, H.A. Stewart Trucking LLC (hereinafter the “Debtors”)

filed a voluntary petition under Chapter 11 of the United States Bankruptcy Code and elected treatment as a Subchapter V case under the Small Business Reorganization Act of 2019 (“SBRA”).

4. James S. Fellin was appointed as the Subchapter V trustee on October 6, 2023.
5. The section 341 meeting of creditors was held on November 16, 2023.
6. On May 7, 2025, the Debtors filed a motion to dismiss the case [Dkt. No. 170].
7. A hearing to dismiss the case is currently scheduled for June 3, 2025. [Dkt. No.171].
8. The Subchapter V Trustee objects to the Motion to Dismiss Case.

#### **BASIS FOR OBJECTION**

9. At the inception of the case, the Debtor agreed to make adequate protection payments to the Subchapter V Trustee of \$1,000 per month.

10. The Debtor made two payments but has not made any adequate protection payments since January of 2024.

11. To date, the total adequate protection payments by the Debtor for the Subchapter V Trustee fees total \$4,000.

12. Since the inception of the case, the Subchapter V. Trustee has incurred fees of \$14,345.31.

13. This leaves an unpaid amount of fees totaling \$10,345.31.

14. The Subchapter V Trustee respectfully requests that any dismissal of this case be contingent upon the Court approving the Subchapter V. fees and the payment the balance of the Subchapter V Trustee fees prior to dismissal.

Dated: May 27, 2025

Respectfully submitted:

/s/ James S. Fellin  
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